PRESERVED

Legn Serial No. 17-42-1

Previous references.

Later references.

Office of the ~~Secretary to the~~ General and Revenue Secretariat
~~Representative Assembly and Legislative Council~~

B June 1942

SUBJECT.

The collective Fines Ordinance, 1942

Ordered that it is unnecessary to undertake Similar legislation in Nyasa at present.

WD 04023—GPB—1,000- 12-9-41

Continuation Sheet. Legs File No. 1 / Current No. of 42 Page.

12011 Fin

From

The Secretary to the Hon'ble the Resident in Mysore

Memorandum No F 70-42/H dated 22nd May '42 invites attention to the promulgation of the Collective Fines Ordinance, 1942, by the Govt. of India in the Gazette of India Extra-Ordinary dated the 13th May '42.

JUN 9 1942
No 12466

The Collective Fines Ordinance, 1942, empowers a Provincial Government to impose collective fines on the inhabitants of any area, if the inhabitants of that area are concerned in the commission of certain offences prejudicially affecting the defence of India or the efficient prosecution of the war

A copy of the Gazette of India Extra-Ordinary dated 13th May '42 publishing the above Ordinance is submitted for perusal

24. 28-5-42

It is perhaps unnecessary to undertake similar legislation in Mysore at present

28-5-42

Secy (Rastic)

28-5-42

Law Secy (on leave)

Law (Minister) 9/6/42

Dewan

10/6/42

DEPT. 4824 2 JUN 1942 GOVT OF MYSORE

OFFICE 10647

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OFFICE OF THE SECRETARY
MWDV
25 MAY 1942
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

FROM THE SECRETARY
TO THE HON'BLE THE RESIDENT IN MYSORE.

TO The Chief Secretary to the Government of His Highness the Maharaja of Mysore, Bangalore.

MEMORANDUM No. F-70-42/W

Dated Bangalore, the 22nd May *1942*.

Legis. CHIEF SECRETARY. 22 MAY 1942 GOVT. OF MYSORE.

The Collective Fines Ordinance, 1942.

Attention is invited to the Collective Fines Ordinance, 1942 (Ordinance No.XX of 1942), published in the Gazette of India Extraordinary dated the 13th May 1942.

for SECRETARY TO THE RESIDENT.

VN

Please post me Copy of the Ordinance
25-5-42

REGISTERED No. L. 3131

LEGISLATIVE DEPT.
18 MAY 1942

The Gazette of India

EXTRAORDINARY

PUBLISHED BY AUTHORITY

NEW DELHI, WEDNESDAY, MAY 13, 1942

GOVERNMENT OF INDIA

LEGISLATIVE DEPARTMENT

New Delhi, the 13th May, 1942.

ORDINANCE No. XIX OF 1942.

AN

ORDINANCE

further to amend the War Risks (Goods) Insurance Ordinance, 1940.

WHEREAS an emergency has arisen which makes it necessary further to amend the War Risks (Goods) Insurance Ordinance, 1940, for the purposes hereinafter appearing;

IX of 1940.

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:—

26 Geo. 5, c. 2.

1. (*1*) This Ordinance may be called the War Risks (Goods) Insurance (Second Amendment) Ordinance, 1942. Short title and commencement.

(*2*) It shall come into force at once.

2. In section 5 of the War Risks (Goods) Insurance Ordinance, 1940,— IX of 1940.

(*a*) to sub-section (*1A*) the following clause shall be added, namely:—

"(*c*) to the undertaking by the Central Government in relation to a person carrying on any business in British India of the liability of insuring such person against war risks in respect of any goods situated in British India or in that part of the territory of the State of Cochin referred to in sub-section (*1*) of section 3, which, having been sold in British India for export from British India, are in his possession for the purpose of being shipped out of India, and are goods which were prior to such sale insurable under this Ordinance in relation to the person by whom they were then owned."

[*Price 1 anna.*]

" after sub-section (*1A*) the following sub-section shall be inserted, namely :—

"(*1B*) The War Risks (Goods) Insurance Scheme may also extend to the undertaking by the Central Government in relation to a Provincial Government of the liability of insuring the Provincial Government in such special cases as it thinks fit against war risks in respect of goods for the time being owned by the Provincial Government which are goods that would be goods insurable under this Ordinance if the Provincial Government were a person carrying on business in British India as a seller of goods of that description."

LINLITHGOW,
Viceroy and Governor General.

G. H. SPENCE,
Secy. to the Govt. of India.

LEGISLATIVE DEPARTMENT

New Delhi, the 13th May, 1942.

(ORDINANCE) No. XX OF 1942.

AN

(ORDINANCE)

to provide for the imposition of collective fines.

WHEREAS an emergency has arisen which makes it necessary to provide for the imposition of collective fines in connection with offences prejudicially affecting the defence of (British) India or the efficient prosecution of war ;

NOW, THEREFORE, in exercise of the powers conferred by section (72) of the Government of (India) Act (as set out in the Ninth Schedule to the Government of India Act, 1935) the Governor General is pleased to make and promulgate the following Ordinance) :—

26 Geo. 5, c. 2.

Short title, extent and commencement.

1. (*1*) This (Ordinance) may be called the Collective Fines (Ordinance) 1942.

(*2*) It extends to the whole of (British India.)

(*3*) It shall come into force at once.

2. In this Ordinance,—

(*a*) " District Magistrate " means in a Presidency town, and within the limits of the tract defined by notification under section 1 of the Calcutta Suburban Police Act, 1866, as the limits to which the operation of that Act is confined, the Commissioner of Police.

Ben. Act II of 1866.

(*b*) " Provincial Government " means in relation to a Chief Commissioner's Province the Chief Commissioner.

Imposition of collective fines on inhabitants of area.

3. (*1*) If it appears to the (Provincial) Government that the inhabitants of any area are concerned in or abetting the commission of offences prejudicially affecting the defence of (British) India or the efficient prosecution of war, or are harbouring persons concerned in the commission of such offences, or are failing to render all the assistance in their power to discover or apprehend the offender or offenders, or are suppressing material evidence of the commission of such offences, the (Provincial) Government may, by notification in the official gazette, impose a collective fine on the inhabitants of that area.

(2) The (Provincial) Government may exempt any person or class or section of such inhabitants from liability to pay any portion of such fine.

(3) The District Magistrate, after such inquiry as he may deem necessary, shall apportion such fine among the inhabitants who are liable collectively to pay it, and such apportionment shall be made according to the District Magistrate's judgment of the respective means of such inhabitants.

(4) The portion of such fine payable by any person may be recovered from him as a fine or as arrears of land revenue.

Explanation.—For the purposes of this section the expression " inhabitants of an area " includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area, and landlords who themselves or by their agents or servants collect rents from holders or occupiers of land in such area, notwithstanding that they do not actually reside therein.

LINLITHGOW,
Viceroy and Governor General.

G. H. SPENCE,
Secy. to the Govt. of India

DEPARTMENT OF COMMERCE

NOTIFICATIONS

WAR RISKS INSURANCE

New Delhi, the 13th May 1942

No. 9-W.R.I. (F)/42.—In exercise of powers conferred by section 15 of the War Risks (Factories) Insurance Ordinance (No. XII of 1942), the Central Government is pleased to direct that the following amendment shall be made in the Notification of the Government of India in the Department of Commerce No. 2-W. R. I. (F)/42, dated the 2nd May 1942, namely:—

For the figures, letters and words "20th May 1942" wherever they appear in that notification or the schedules appertaining thereto, the figures, letters and words "29th May 1942" shall be substituted.

No. 10-W.R.I. (F)/42.—In exercise of powers conferred by sub-section (1) of section 5 of the War Risks Insurance Ordinance (No. XII of 1942), the Central Government is pleased to direct that the following amendment shall be made in the Notification of the Government of India in the Department of Commerce No. 3-W.R.I. (F)/42, dated the 2nd May 1942, namely:—

For the figures, letters and words "20th May 1942" the figures, letters and words "29th May 1942" shall be substituted.

No. 11-W.R.I. (F)/42.—In exercise of powers conferred by sub-section (1) of section 5 of the War Risks (Factories) Insurance Ordinance (No. XII of 1942), the Central Government is pleased to direct that the following amendment shall be made in the Notification of the Government of India in the Department of Commerce No. 5-W.R.I. (F)/42, dated the 2nd May 1942, namely:—

For the figures, letters and words "20th May 1942" the figures, letters and words "29th May 1942" shall be substituted.

A. H. LLOYD,
Secy. to the Govt. of India.

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